

REMARKS

Applicant submits this Response in reply to the Final Official Action dated December 23, 2008. Applicant submits that this Response is fully responsive to the Final Official Action for at least the reasons set forth herein.

Applicant submits that claims 1 and 3 are patentable over the references cited in the Official Action. Notably, the Examiner maintained the previous rejections of the claims. Specifically, claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. 2004/0085891 to Henriksson (“Henriksson”) in view of U.S. Patent No. 3,876,945 issued to Gossel (“Gossel”). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, Gossel in further view of Daspit et al., U.S. Patent No. 3,754,101 (“Daspit”).

Applicant submits that the cited references, whether taken alone or in any combination thereof, fail to teach, suggest or render obvious each and every limitation of the claims.

In the Final Official Action, the Examiner asserts that the motivation to modify the references is to suppress interference. Since interference exists in both analog and digital systems, the problem is translatable. Applicant recognizes that the problem of interference occurs in both analog and digital systems; however, this does not mean that a solution in the analog domain will act as a solution in the digital domain and vice versa.

Applicant submits that the proposed combination/modification to the references would render the references unfit for their intended purposes. *See In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (If the proposed modification would render the prior art invention being modified unsatisfactory for the intended purpose, then there is no suggestion or motivation

to make the proposed modification). Notably, in frequency modulation, the zero crossing point is a point of interest to determine what information is received. Typically, only the zero point is evaluated, e.g., distance between and amplitude. Gossel notes the importance of the zero crossing. If one were to simply remove the zero crossing point, as claimed, i.e., generating a time domain window function using said established timing characteristics, said time domain window function being a sinusoidal function having a zero crossing substantially coinciding with the position of each unwanted signal element; and applying the generated window function to said signal portion to selectively reduce the amplitude of said unwanted signal elements relative to other elements of said signal, then one would remove a portion of the information. A person of ordinary skill in the art would not intentionally remove a portion of the received information. Additionally, the proposed combination/modification would ignore a fundamental principle of frequency modulation. Specifically, a combination of the references, in the manner suggested by the Examiner, would result in a system that could not detect all of the information received. Such a combination would in fact go against the nature and instinct of any person skilled in the art.

Notably, the Examiner identifies Col., 3, lines 28-37 of Gossel as support for the teaching of the claimed feature. This section states:

Assuming that the first pulse of an interference burst reaches the receiver instead of a real zero crossing and that this first pulse has initiated blocking for the minimum duration of the next zero crossing interval to be expected, the subsequent real zero crossing but also the subsequent pulses of the interference burst will be suppressed.

Applicant submits that the disclosed method would introduce errors in determining the received signals, since the subsequent real zero crossing will be suppressed. One of ordinary skill in the art would not select a teaching from the prior art that would knowingly introduce errors, i.e., suppress zero crossings.

Therefore, Applicant submits that it is not obvious to combine/modify the references as suggested.

Additionally, the Examiner asserts that since Henriksson discloses that the received signals are converted from analog-to-digital, therefore, Henriksson discloses an analog signal. While the reference teaches that the received signal is analog, the processing is digital. Steps 210 and onwards are performed in the digital domain. Therefore, Applicant maintains that there is no motivation to combine analog techniques with digital processing.

Furthermore, there is no likelihood of success. The Examiner has not established a *prima facie* case of obvious since the Examiner has not identified an expectation of success for the proposed modification/combination. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The references do not provide a suggestion for the combination or an indication that such a modification/combination would be successful.

Furthermore, while the Examiner admits that one of ordinary skill in the art would not ordinarily look to a reference that teaches processing analog signals for suggestion on how to process a digital signal, the Examiner asserts that in this instant one would. Applicant respectfully disagrees based at least upon the above-identified reasons. One of ordinary skill in the art would not place the zero crossing in the claimed location, e.g., suppression window.

Accordingly, Applicant submits that one of ordinary skill in the art would not incorporate the teaching of Gossel into Henriksson, since the combination would lead to a reduction in the amount of wanted information; the resultant signal could not be relied upon. Therefore, one of ordinary skill in the art would not be motivated to combine the two references.

Pro arguendo, even if there was a motivation to combine the references, the combination fails to teach all of the limitations of the claims. In the claimed invention, a zero crossing substantially coinciding with the position of each unwanted signal element. For example, the specification describes that the zero crossing is arranged to coincide with the mid-points of the interference bursts. The section identified above, teaches that in one scenario, one subsequent real zero crossing would be suppressed. However, this does not teach that the zero crossing substantially coincides with the position of each unwanted signal element. At best, the reference teach that one zero crossing coincides with one suppression period.

Notably, the intention of Gossel is to isolate and maintain the zero crossings rather than suppress them. Therefore, Gossel does not intend to have the zero crossing substantially coincide with the position of the unwanted signal element, as claimed. In other words, zero crossing does not coincide with the position of each unwanted signal. In contrast, in the claimed invention a time domain window function is generated using the established timing characteristics, the time domain window function being a sinusoidal function having a zero crossing substantially coinciding with the position of each unwanted signal element.

Accordingly, Applicant submits that the cited combination, whether taken alone or in any combination thereof, fails to teach or suggest all of the limitations of claim 1.

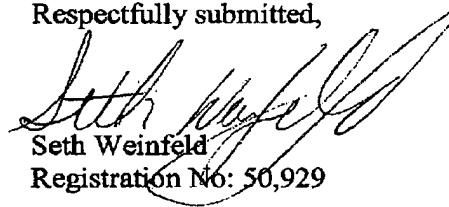
Therefore, for at least the reasons provided above, Applicant submits that claim 1 is allowable over the cited prior art references. In addition, claim 3 depends from independent claim 1 and thus includes all the limitations recited therein by that independent claim.

Consequently, Applicant submits that claim 3 is allowable for at least the same reasons. Daspit fails to cure all of the above-identified deficiencies.

Accordingly, Applicant respectfully requests withdrawal of the rejections with respect to claims 1 and 3 under 35 U.S.C. § 103(a).

In conclusion, Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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